

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Mulinelli (S)	Team: Squad #7	CCRB Case #: 201705030	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/16/2017 10:00 PM	Location of Incident: 111-46 Lefferts Boulevard	Precinct: 106	18 Mo. SOL 12/16/2018	EO SOL 12/16/2018	
Date/Time CV Reported Fri, 06/16/2017 10:57 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/21/2017 11:32 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vladimir Alonzo	27966	957329	106 PCT
2. POM Keith Solomon	28699	957184	106 PCT
3. LT Frank Dipreta	00000	917548	106 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Frank Dipreta	Abuse: Lieutenant Frank Dipreta authorized the entry and search of § 87(2)(b) in Queens.	
B.POM Vladimir Alonzo	Abuse: Police Officer Vladimir Alonzo entered and searched § 87(2)(b) in Queens.	
C.POM Keith Solomon	Abuse: Police Officer Keith Solomon entered and searched § 87(2)(b) in Queens.	
D.POM Vladimir Alonzo	Abuse: Police Officer Vladimir Alonzo threatened to arrest § 87(2)(b)	

Case Summary

On June 16, 2017, § 87(2)(b) filed this complaint via phone with the Internal Affairs Bureau (IAB). IAB forwarded the complaint to the CCRB via log number 17-23372 on June 21, 2017.

On unspecified dates, members of the 106th Precinct reportedly received complaints of § 87(2)(b)'s business, located at 111-46 Lefferts Boulevard in Queens, selling alcohol without a license to do so. Lieutenant Frank DiPreta, of the 106th Precinct, allegedly instructed PO Vladimir Alonzo, also of the 106th Precinct, to conduct a business inspection at the location (**Allegation A**).

On June 16, 2017, at approximately 10:00 p.m., § 87(2)(b) was renovating the interior of his closed business, formerly a bar and restaurant. When his brother, § 87(2)(b) opened the door to let a worker out, PO Alonzo and his partner, PO Keith Solomon also of the 106th Precinct, pulled the door to prevent it from closing and entered the business (**Allegations B and C**). Upon entering the business, the officers inspected the bar area and a storage area behind the business. PO Alonzo observed § 87(2)(b)'s daughter, a minor, sitting at the bar. PO Alonzo instructed § 87(2)(b) to remove his daughter from the premises. When § 87(2)(b) identified himself as the business owner and father, PO Alonzo replied, "Get her out or I'm going to arrest you" (**Allegation D**). § 87(2)(b) ultimately complied and sent his daughter outside. He later asked PO Alonzo if he could bring her back inside, and PO Alonzo responded that he would arrest § 87(2)(b) if he did so (**within Allegation D**). At the conclusion of the incident, § 87(2)(b) was issued three summonses by PO Alonzo. The offenses included operating an unlicensed bottle club, operating a bar without a license, and warehousing alcohol.

No video footage was available for this incident.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) opted to mediate this complaint. However, PO Alonzo was deemed ineligible to mediate by the Department Advocate's Office (DAO).
- A Notice of Claim inquiry was filed with the Office of the New York City Comptroller on September 25, 2017. Its results will be added to the case file upon receipt [01 Board Review].

- § 87(2)(b)

Civilian and Officer CCRB Histories

Page 2

CCRB Case # 201705030

- This is the first CCRB complaint involving § 87(2)(b) [03 Board Review].
- In his two-year tenure, PO Alonzo has been the subject of eight allegations stemming from three cases. He was the subject of an entry allegation in case 201606737, and the allegation was closed as complainant uncooperative. No allegations have been substantiated against PO Alonzo.
- In his three-year tenure, PO Solomon has been the subject of two allegations stemming from two cases. No allegations have been substantiated against him, § 87(2)(g)
- In his twenty-one year tenure, Lieutenant DiPreta has been the subject of three other allegations stemming from two prior cases. No allegations have been substantiated against him, § 87(2)(g)

Findings and Recommendations

Allegation A – Abuse of Authority: Lieutenant Frank DiPreta authorized the entry and search of 111-46 Lefferts Boulevard in Queens.

Allegation B – Abuse of Authority: Police Officer Vladimir Alonzo entered and searched 111-46 Lefferts Boulevard in Queens.

Allegation C – Abuse of Authority: Police Officer Keith Solomon entered and searched 111-46 Lefferts Boulevard in Queens.

§ 87(2)(g)

§ 87(2)(b) testified that his business was closed for repairs following a water leak and revocation of his liquor license in 2016. On June 16, 2017, § 87(2)(b) was inside the business completing repairs with at least three other individuals. Although the business was not open to the public, there were seven cases of beer on the bar counter, which was visible from the entrance. § 87(2)(b) denied that anyone was consuming these alcoholic beverages.

At approximately 10:00 p.m., § 87(2)(b) who § 87(2)(b) identified as both a friend and a worker, exited the business. Prior to § 87(2)(b)'s brother closing the front door, PO Alonzo and PO Solomon entered § 87(2)(b)'s business through this door without consent. PO Alonzo immediately told § 87(2)(b) that he should not have alcohol in the business. PO Alonzo took photos of the alcohol atop the bar and in the storage area behind the business, and he issued § 87(2)(b) three summonses for operating an unlicensed bottle club, unlicensed bar sale, and warehousing alcohol [04-05 Board Review].

Lieutenant DiPreta testified that he received several complaints, including a letter from the Community Board, alleging that § 87(2)(b) was selling alcohol at his business without a license to do so. He was aware that § 87(2)(b)'s liquor license had been revoked in September of 2016, and that it had not been reinstated. Lieutenant DiPreta provided this information to PO Alonzo on a date which he did not recall. He stated that he did not instruct PO Alonzo to conduct a business inspection on any particular date, nor did he believe that he specifically instructed PO Alonzo to enter the business. Rather, he informed PO Alonzo that he should respond to any future complaints regarding the business. Lieutenant DiPreta stated that PO Alonzo is experienced in matters concerning Alcoholic Beverage Control Law, and that for this reason he instructed PO Alonzo to address the issues as he saw fit.

Lieutenant DiPreta was off duty at the time PO Alonzo and PO Solomon inspected § 87(2)(b)'s business. He stated that the officers attempted to call him that night, but he was asleep and did not answer the call. Lieutenant DiPreta did not learn the details of the incident until the following day [13 Board Review].

PO Alonzo testified that in the days prior to the incident, he was instructed by Lieutenant DiPreta to conduct a business inspection at 111-46 Lefferts Boulevard following the receipt of community complaints specifying that the business was illegally selling alcohol after losing its liquor license.

PO Alonzo stated that he and PO Solomon parked their RMP outside of § 87(2)(b)'s business and observed one or two individuals enter and exit the business in a span of about ten minutes. Although these individuals did not appear to be intoxicated or to possess any alcoholic beverages, their presence suggested to PO Alonzo that the business was open. According to PO Alonzo, the officers did not interact with any of the individuals leaving the bar.

PO Alonzo and PO Solomon walked to the door, which § 87(2)(b) attempted to close as PO Alonzo reached it. PO Alonzo pulled on the door and instructed the individual to open it, after which the door opened without issue. According to PO Alonzo, he and PO Solomon entered the business with the sole intent to conduct a business inspection. PO Alonzo stated that he believed that he was authorized to enter the business and inspect it without consent. Once inside, PO Alonzo observed open bottles of alcohol, including liquor and beer, on the bar counter as well as in an outdoor storage area behind the business. There were approximately ten individuals inside the business and seated at tables. PO Alonzo took photos of the alcohol on the bar with his Department-issued smart phone before issuing the aforementioned summonses to § 87(2)(b) [06 Board Review].

PO Solomon stated that Lieutenant DiPreta instructed him and PO Alonzo to drive by and observe the activity at § 87(2)(b)'s bar. The officers were also informed that the establishment had lost its liquor license, and that it had been the subject of community complaints.

Like PO Alonzo, PO Solomon stated that he believed the business to be open based on individuals entering and leaving the establishment during the two to three minutes that the officers spent observing. PO Solomon's testimony concerning the manner in which the officers gained entry and the quantity of alcohol discovered inside was consistent with PO Alonzo's [07 Board Review].

According to the New York State Liquor Authority, § 87(2)(b)'s business has an inactive license for the on-premises sale of liquor [08 Board Review].

A retail premises licensed for the sale of alcohol shall be subject to inspection by any police officer during business hours. New York Alcoholic Beverage Control Law, Section 16 [09 Board Review]. A representative from the New York State Liquor Authority confirmed that unlicensed premises are not subject to such inspections [see IAs].

Lieutenant DiPreta testified that he did not specifically instruct PO Alonzo to enter § 87(2)(b)'s business. Rather, he instructed PO Alonzo to respond to additional complaints, visit

the location, and address any issues as he saw fit. Although PO Alonzo stated that he was specifically instructed to conduct a “business inspection,” which would inherently require entering the location, Lieutenant DiPreta’s version of the events was supported by PO Solomon, who stated that Lieutenant DiPreta instructed the officers to drive by and observe the activity at the bar. Given

§ 87(2)(g)

It is undisputed that the officers were aware that § 87(2)(b) s license had been revoked months prior to the inspection. As per the NYS Alcoholic Beverage Control Law, only licensed premises are subject to warrantless inspections by police officers. § 87(2)(b), § 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Vladimir Alonzo threatened to arrest

§ 87(2)(b)

§ 87(2)(b) testified that there were cases of alcoholic beverages inside the business at the time the officers entered, and that his § 87(2)(b)-old daughter was seated near the door and resting her head on a counter, though he denied serving alcohol to anyone in the business. When PO Alonzo observed her there, he informed § 87(2)(b) that she needed to be removed from the establishment. § 87(2)(b) then identified himself as the father and business owner, to which PO Alonzo replied, “Get her out or I’m going to arrest you.” PO Alonzo may have mentioned that the arrest would be related to serving liquor in the presence of a minor. § 87(2)(b) contested this, but PO Alonzo repeated that he would arrest § 87(2)(b)

§ 87(2)(b) escorted his daughter outside as he went to retrieve his ID from his vehicle. § 87(2)(b) asked PO Alonzo if he could bring his daughter back inside, but PO Alonzo said no and repeated that he would arrest § 87(2)(b) if he did so. § 87(2)(b) provided his ID to PO Alonzo and was issued three summonses at the conclusion of the incident [04 Board Review].

PO Alonzo testified that he entered the business and observed a young girl, who he estimated to be § 87(2)(b) old and ultimately determined to be § 87(2)(b) s daughter, seated at the bar. There were bottles of liquor and beer atop the bar counter, and some of these bottles were opened. PO Alonzo asked § 87(2)(b) why his daughter was present at the bar, to which he replied that he was waiting for her mother to come pick her up. PO Alonzo acknowledged that he

informed § 87(2)(b) that he could be arrested for serving alcohol in the presence of a minor, though he denied specifically stating, “Get her out or I’ll arrest you.” He made this statement only once and did not mention the possibility of arrest to § 87(2)(b) in any other context [06 Board Review].

Consistent with PO Alonzo, PO Solomon stated that § 87(2)(b) s daughter, who he estimated to be ten years old, was seated at the bar. PO Alonzo asked her to step down from the bar and informed § 87(2)(b) that there was no reason for a minor to be seated there. PO Alonzo then informed § 87(2)(b) that he could be arrested for serving alcohol in the presence of a minor. PO Alonzo made this comment only once and did not mention the possibility of arrest in any other context. PO Alonzo did not specifically say, “Get her out or I’ll arrest you” [07 Board Review].

As previously noted, § 87(2)(b) received three summonses for operating a bar without a license, operating an unlicensed bottle club, and warehousing alcohol [05, 10 Board Review]. Violations of the aforementioned laws are considered misdemeanors. Alcoholic Beverage Control Law, Section 130 [11 Board Review].

A person is guilty of unlawfully dealing with a child in the second degree when he permits a child less than 16 years old to enter or remain in a place where alcoholic beverages are served unless said child is accompanied by their parent or guardian. New York State Penal Law, Section 260.21 [12 Board Review].

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Squad: 7

Investigator:	_____	Jeffrey Mulinelli	_____
	Signature	Print	Date
Squad Leader:	_____	Diana Townsend	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date